



Superior Court of California County of San Benito

Tentative Decisions for September 16, 2026

Courtroom #1: Judge J. Omar Rodriguez

FL-11-00503 Pino, Alicia Monet vs. Resendiz, Rolan

The Review Hearing scheduled to take place on September 16, 2026, is continued to October 14, 2026, at 8:30 a.m. to allow for the completion of the Level 2 Investigation Report. No appearances are necessary on September 16th.

FL-14-00396 Higgins, Pine vs. Higgins, Bridget

Petitioner's August 4, 2026, Request for Order seeking Spousal Support Orders is GRANTED.

To obtain a modification of a permanent spousal support order in California, the moving party must demonstrate a material change of circumstances since the time of the prior support order. (*In re Marriage of Norvall* (1987) 192 Cal. App. 3d 1047, 1060.) "The requirement of showing changed circumstances applies to stipulated agreements as well as litigated orders." (*Ibid.*) In awarding spousal support, the court shall consider factors including: the extent to which the earning capacity of each party is sufficient to maintain the standard of living established during the marriage; the needs of each party based on the standard of living established during the marriage; and the age and health of the parties (Cal. Fam. § 4320.)

On July 31, 2015, the Court entered Judgment of Dissolution ordering Petitioner to pay spousal support in the amount of \$1,500 per month and then \$1,000 per month beginning January 1, 2017. Respondent's monthly income was \$500.00 at the time of judgment.

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any objections or concerns.**

Respondent cites that she has experienced health issues and she has not been able to work as she had expected. Petitioner's income has increased over time and it appears that he can afford to pay an increased amount of spousal support. Based on the foregoing, spousal support is adjusted so that Petitioner is to pay Petitioner \$1,500 per month effective immediately.

FL-19-00406 Perryman, Maranda vs. Perryman, Elliott

The Request for Order filed by Tammy Stone ("Joinder") on August 4, 2026, for Family Code section 271 Sanctions and Sale of Home is addressed as follows:

a. Sale of Home

As to the sale of the home, the issue appears to have already been addressed by Commissioner Galloway and is moot.

"(W)hen a court enters a minute order which does not call for the preparation and filing of a formal order, the minute order is final and all legal consequences ensue therefrom." (*County of Nevada v. Superior Court* (1986) 183 Cal.App.3d 806, 808.) On August 7, 2026, following a settlement conference, Commissioner Galloway ordered that, if the parties are unable to reach an agreement on a listing agent for the sale of the property, "each party shall provide a list of three potential agents along with their qualifications and experience in this field. This list shall be submitted to the Judge assigned to this case for selection during the Status Conference. Once the Judge has made the selection, the parties will have 30-days to agree on a list of repairs and cleaning that need to be carried out. If the estimated costs of these repairs exceed a specified amount, those costs will be deducted from the proceeds of the sale." (See FL-19-00406 August 7, 2026 Minute Order.) Although an order after hearing was not submitted or signed by Commissioner Galloway, it does appear from the court record that she addressed the sale of the home.

Neither party has submitted qualifications of any potential agents for this Court to decide. The parties all contend that they have not been able to mutually agree on an agent. Joinder has at least provided two names of potential agents.

As a result, the Court grants Joinder's request that the real property located at 1801 W. Graf Road, Hollister, California, shall be immediately listed and sold; Joe Alderese and

Julie Burns are appointed as listing agents; the sale shall proceed under the access, listing, pricing, price-reduction, offer-acceptance expense, and escrow procedures stated above, or under substantially similar procedures; the clerk or other appointed elisor shall be authorized to execute all sale documents for any party who fails to sign within 48 hours of written request pursuant to the Local Rules; net proceeds shall be divided as 40% to Joinder, 30% to Petitioner, and 30% to Respondent; subject to offsets, reimbursements, sanctions, and reserved accounting issues; and \$22,440.82 is ordered for reimbursement from Petitioner's share of proceeds to Joinder.

b. Request for Family Code section 271 Sanctions

The request for sanctions pursuant to Family Code section 271 is GRANTED. Family Code section 271 attorney's fees are "a sanction for conduct frustrating settlement or increasing the cost of the litigation." (*In re Marriage of Perow & Uzelac* (2019) 31 Cal. App. 5th 984, 991.) Section 271 sanctions have been upheld for "obstreperous conduct which frustrated the policy of the law in favor of settlement, and caused the costs of the litigation to greatly increase" and for making a one-sided, overreaching demand. (*In re Marriage of Freeman* (2005) 132 Cal.App.4th 1, 6, citing *In re Marriage of Daniels* (1993) 19 Cal.App.4th 1102, 1106.) Here, it appears that Joinder's request is based, in large part, on Petitioner's delay tactics and extreme change in requests during settlement, which frustrated settlement. In support of her request, Joinder submitted evidence that Petitioner requested or demanded a three-year sale of the home, requested numerous settlement conferences and made false statements to the Court regarding payments, which also led to the delay of resolution of the subject property. Additionally, while Petitioner claims that she is not opposing the sale of the home, she failed to submit a list of agents and their qualifications for this court to consider and requests another continuance to allow the parties to meet and confer.

All of these factors support Joinder's Request for sanctions pursuant to Family Code section 271. Joinder is awarded Family Code § 271 attorney's fees and sanctions in the amount of \$15,000 payable from Petitioner's net sale proceeds at close of escrow.

FL-24-00186 **Lechuga Jimenez, Carina vs. Santos Hernandez, Conrado**

The Review Hearing scheduled to take place on September 16, 2026 is continued to September 30, 2026 at 8:30 a.m. to allow for the completion of the Level 2 Investigation Report. No appearances are necessary on September 16th.

FL-25-00034 **Cook, Deane vs. Sayco-Cook, Myla**

Petitioner's Request for Order, filed August 6, 2026, is DENIED as the Request is moot. The request was primarily based on the fact that Respondent had not provided Petitioner with her disclosures. Following the filing of the Request to Waive Respondent's Preliminary Disclosures, Respondent filed a Declaration Regarding Service of Declaration of Disclosure on September 10, 2026.

FL-26-00066 **Barriga Estrada, Jose Luis vs. Lopez Zambrano, Nancy**

Respondent's Request for Order, filed August 5, 2026, is DENIED without prejudice. The request seeks spousal and child support, but Respondent failed to include a current, completed Income and Expense Declaration (form FL-150), which is mandated. (Cal. Rule of Court 5.260.)

END OF TENTATIVE DECISIONS